

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MINNESOTA**

ELAINE L. CHAO, Secretary of Labor,
United States Department of Labor,

Plaintiff,

V.

Case No. 05-2452

**PAUL J. JOHNSON, individually and
dba JEROME JOHNSON EXCAVATING
and the
JEROME JOHNSON EXCAVATING PROFIT
SHARING PLAN,**

Defendants.

JUDGMENT BY DEFAULT

In this action, Defendant Paul J. Johnson, individually and dba Jerome Johnson Excavating (“Johnson”) and the Jerome Johnson Excavating Profit Sharing Plan were served with a summons and a complaint and failed to plead or otherwise defend the complaint. The default of Defendants Johnson and Jerome Johnson Excavating Profit Sharing Plan (“Plan”) was entered according to law on **April 7, 2006**. Upon consideration of the Department of Labor’s motion, the Stipulation re: Judgment by Default, and the parties’ representation that participant Dean Lemke has received his disbursement from the Plan, judgment is hereby entered against Johnson in accordance with the prayer of the complaint.

Wherefore, it is ORDERED, ADJUDGED AND DECREED that:

- A. Johnson is permanently enjoined and restrained from violating the provisions of Title I of ERISA, 29 U.S.C. Section 1001, *et. seq.*
- B. Johnson shall be permanently enjoined from serving as a fiduciary or service provider to any ERISA-covered employee benefit plan.
- C. Nothing in this Judgment as to Johnson is binding on any government agency other than the U.S. Department of Labor.
- D. Defendant Jerome Johnson Excavating Profit Sharing Plan, which was named as a defendant under Federal Rule of Civil Procedure 19(a) solely to obtain complete relief, is hereby dismissed.
- E. Each party shall bear her, his, or its own fees, costs, and other expenses incurred by such party in connection with any stage of this proceeding to date, including but not limited to, attorneys' fees which may be available under the Equal Access to Justice Act as amended.

Judgment entered 12th day of July, 2006.

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

By

s/Paul A. Magnuson
JUDGE PAUL A. MAGNUSON